

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JOSE L. SANCHEZ, JR.,

Defendants.

8:13CR396

ORDER

This matter is before the Court on the issue of the defendant's request to be reimbursed for his return flight from Omaha, Nebraska to Marysville, Washington. Previously, the Court ordered the U.S. Marshal Service to arrange and pay for the defendant's return flight to the state of Washington (Filing No. 50). The U.S. Marshal followed the Court's order, and purchased a ticket for the defendant to depart Omaha, Nebraska at 7:50 p.m. on Monday, March 3, 2014. Counsel or the defendant was notified of the ticket purchase and departure time at approximately 5:06 p.m. on March 3, 2014.

The Court was notified by the U.S. Marshal on the morning of March 4, 2014 that the defendant had not used the ticket that was purchased by the Marshal. Counsel for the defendant informed the Court that the defendant had previously purchased a ticket to return to Washington prior to the issuance of the Court's Order (Filing No. 50). Furthermore, counsel explained that it was the defendant's intent to be reimbursed by the U.S. Marshal service for the flight he previously booked. Upon review of this information, which was not made clear to the Court at the time the defendant's oral motion was made and Order [50] issued, the court finds that Order [50] should be rescinded, and the defendant shall be responsible for the cost of his return flight to the state of Washington.

Additionally, at the hearing held on March 3, 2014, the defendant requested subsistence for his stay in Omaha the evening of March 2, 2014. The Court granted the defendant's oral motion. The Court has since found that no authority exists that will allow for payment of subsistence to the defendant. Therefore, the defendant will not be paid subsistence, and will be responsible for the costs he incurred on March 2, 2014. Accordingly,

IT IS HEREBY ORDERED:

1. Order for Return Air Travel Transportation [50] is rescinded.
2. The defendant shall be responsible for the cost of his return flight to the state of Washington.
3. The defendant shall not be reimbursed subsistence, and shall be responsible for the costs he incurred on March 2, 2014.

Dated this 4th day of March, 2014.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge